

Decision Notice
For the White Deer Meadows Potential Conservation Easement
Bridger Foothills, Belgrade Montana
Prepared by Region 3, Montana Fish, Wildlife & Parks
October 1, 2018

Proposal

Montana Fish, Wildlife and Parks (MFWP) proposes to purchase a conservation easement on approximately 405 acres of private land on the west side of the Bridger Mountains, north of Belgrade, Montana using Habitat Montana funds, with possible addition of Mule Deer Auction License funds or other funds, in the sum of \$1,762,000. The Property has high wildlife habitat value. It provides critical winter range for mule deer, and important habitat for elk, white-tailed deer, black bears, mountain lions, mountain grouse, Merriam's turkeys, and other species. The Property is adjacent to two other private land holdings that are also in conservation easement, and the Property borders US Forest Service land. The proposed easement would connect these areas, thereby amplifying the local conservation footprint for protection of wildlife and their habitats and for use by the public. The proposed easement would provide public hunting access to the mountain foothills portion of the property in perpetuity (approximately 170 hunter-days a year) and prevent further subdivision of the area. The proposed easement would include protections for riparian areas, timber, and native range vegetation.

Montana Environmental Policy Act (MEPA) Process

The proposed easement was outlined by MFWP in an Environmental Assessment (EA). The purpose of the EA was to satisfy the letter and intent of the Montana Environmental Policy Act (MEPA). MFWP was required through the MEPA process to assess the potential impacts of this project on the human and natural environment. The EA was the focus of a public meeting (9/11/2018), distributed to approximately 150 interested parties, a press release was sent to two local newspapers, it was posted on the MFWP website, and was available upon request. A 30-day public comment period on the proposal was held from August 29 to September 27, 2018.

The MEPA process provides the MFWP Decision Maker (MFWP Region 3 Supervisor) with the best available information to assist in evaluating the project and deciding whether to approve, not approve, or modify the proposed action in a Decision Notice. The proposed action is then subject to approval by the MFWP Commission.

Issues Raised in the Environmental Assessment (EA)

The EA describes management issues and alternatives in detail, including expected effects on the physical and human environment. The two goals of the proposed easement are to 1) maintain and/or improve the quality and amounts of native habitats and important agricultural habitats for wildlife without displacing private land use and 2) to provide a guaranteed public hunting access opportunity. Air, vegetation, and wildlife resources are expected to benefit from this proposed easement through secure winter habitat and habitat management designed with wildlife in mind. Water resources are not expected to change. The human environment should be enhanced through public access for hunting opportunities and through preserving the aesthetic character and natural scenic vista of the area.

Summary of Public Comments

Six parties submitted written comments. Five comments were favorable to Alternative B, the proposal for MFWP to purchase the conservation easement. Favorable comments included the benefits of providing additional public hunting opportunities, protection from the additional pressures of population growth, winter range habitat and security for ungulates, protecting and adding to the ecological integrity of the adjacent conservation areas, and promotion of open space in general. One party submitted comments against the proposal because the current zoning provides provisions to preserve open space and agriculture, and because he believed the cost of the easement was not worth the potential gain for wildlife.

Issues Raised During the Public Comment Period

The sole comment letter that was not favorable to the purchase of this conservation easement outlined numerous points about zoning, the appraisal process, the access road, and grazing. Some of the points about zoning were addressed immediately after receipt of this comment (see next section, “Clarifications”). The remainder are addressed individually, below.

Zoning

The comment letter discussed how current zoning already promotes open space, agriculture, and cluster development, and suggested the additional protections from this proposed easement are not worth the cost. MFWP notes and appreciates Gallatin County’s work to preserve open spaces through zoning. We acknowledge some parties may not believe it is worth the money to place additional protections on a zoned area. However, zoning laws can be changed whereas a conservation easement is in perpetuity, and this easement provides for additional benefits including public hunting access and habitat management guidelines.

Appraisal

The appraiser was Kim Colvin, Ph.D., ARA, Certified General Appraiser for Montana and Wyoming, and a Licensed Sales Agent in Montana. Dr. Colvin is the owner of Terra Western Associates. The appraisal was completed July 29, 2018. The appraiser determines the unencumbered value of the land, then determines what the value is associated with the terms of the conservation easement based on sales of similarly encumbered properties. The difference of those two values is the value of the land once the easement is placed on it. The cost of the conservation easement is the difference between the unencumbered land value and the encumbered land value. Per discussions with the appraiser, zoning classifications did not change the valuation of the conservation easement.

Access Road

The comment letter expressed concern that the access road could increase trash to neighboring landowners, concern about the future maintenance of the road, and concerns MFWP was over-extending itself. The EA was clear that whereas MFWP will provide the funding for the initial development of the road and parking area, all maintenance thereafter will be by the landowners. MFWP does not believe trash will be a significant problem as this access road will not be a public thoroughfare but will be used only by limited number of hunting parties per day during hunting seasons.

Grazing Standards

The comment letter suggested it is not worth placing upper limits on grazing due to marginal soils and vegetation. MFWP maintains statewide standards for grazing livestock. These standards apply to all MFWP funded projects and those on MFWP-managed properties (Wildlife Management Areas). Grazing standards are discussed in the Conservation Easement, which will endure in perpetuity, and the Management Plan, which provides a flexible link between the Easement and changeable conditions on the land.

Clarifications:

The EA was published in the morning of 8/29/2018 with verbiage regarding the zoning laws in the Reese Creek area. MFWP had misinterpreted these zoning laws in the EA itself. This error did not impact the Conservation Easement, the appraisal, or any other aspect of this project. Public comment quickly revealed this error to us, and we were able to immediately correct and update all our materials by afternoon of 8/29/2018 for the full 30-day comment period.

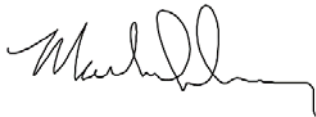
Final Environmental Assessment

Based on public comment there are no necessary modifications to the draft environmental assessment as updated 8/29/2018. That draft along with the clarifications in this Decision Notice will serve as the final environmental assessment for this proposal.

Decision

Based on the environmental assessment and public comment I choose Alternative B, purchase of an MFWP conservation easement on these 405 acres of private land.

I find there are no negative impacts on the human and physical environment associated with the selected Alternative B. Therefore, I conclude that the environmental assessment is the appropriate level of analysis and that an environmental impact statement is not required.



Mark Deleray
MFWP Region 3 Supervisor
Bozeman, MT
October 1, 2018